

Message Text

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ACTION SCS-03

INFO OCT-01 ARA-06 ISO-00 L-03 H-01 DHA-02 SCA-01
JUSE-00 PA-01 PRS-01 USIE-00 NSC-05 NSCE-00 SSO-00
/024 W

-----242205Z 028533 /63

O 241700Z MAY 77

FM AMCONSUL RECIFE

TO SECSTATE WASHDC NIACT IMMEDIATE 5754

AMEMBASSY BRASILIA NIACT IMMEDIATE

C O N F I D E N T I A L RECIFE 0069

BRASILIA FOR DCM

EO 11652: GDS

TAGS: CASC, PFOR, BR

SUBJ: W/W--ARRESTS: (CAPUANO, THOMAS AND ROSEBAUGH, LAWRENCE).

REF: RECIFE 0068, BRASILIA 4145, AND PREVIOUS

1. DURING A NEARLY TWO HOUR CONVERSATION ON MAY 23, CONCERNING THE PROTESTS FILED BY THE CONSUL ON MAY 21 ON THE ARRESTS OF CAPUANO AND ROSEBAUGH, THE PERNAMBUCO STATE SECRETARY OF PUBLIC SECURITY: A. TOLD THE CONSUL THAT A SPECIAL, OPEN TO THE PUBLIC, INQUIRY, ORDERED BY THE GOVERNOR AND PRESIDED OVER BY A JUDGE GOT UNDER WAY THAT DAY; B. THAT THE STATE PUBLIC SECURITY AGENCY STOOD READY TO OFFER SPECIAL IDENTITY CARDS TO CLERGY AND OTHERS WORKING IN HIGH CRIME AREAS OR ASSISTANCE IN BRINGING THEIR IDENTITY CARDS UP TO DATE SO AS TO MINIMIZE CASES OF POLICE CONFUSION ABOUT ACTUAL IDENTITY; AND C. THAT A CIRCULAR WOULD BE ISSUED IMMEDIATELY TO ALL POLICE DISTRICTS IN THE STATE REQUIRING THAT ALL ARRESTS OF PERSONS CLAIMING FOREIGN NATIONALITY BE REPORTED IMMEDIATELY TO THE STATE SECRETARY OF PUBLIC SECURITY WHO WILL THEN INFORM CONSULS WITHOUT DELAY. FURTHER COMMENTS BY THE SECRETARY, PRESENTED BELOW, PROVIDE SOME INSIGHT INTO THIS CASE AND LOCAL POLICE
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PRACTICES. RECIFE PRESS COMMENTS ON MAY 24 ARE REPORTED UPON IN THE THIRD PARAGRAPH.

2. DURING THE MEETING THE SECRETARY MADE COMMENTS UPON VARIOUS ASPECTS OF THIS CASE AND OF POLICE PRACTICES IN RECIFE. THESE COMMENTS, SOME OF WHICH CONFLICT WITH INFORMATION GIVEN TO THE CONSULATE

BY THE CLERGYMEN, ARE PROVIDED BELOW:

A. ILLEGAL ARREST. THE CLERGYMEN WERE PICKED UP IN THE COQUE HIGH CRIME DISTRICT BAREFOOT, BEARDED, UNCOMBED, DIRTY, BARE-CHESTED AND PUSHING A HAND CART. A LARGE RING OF KEYS TO DOORS AND PADLOCKS WAS ON THE CART. TWO PEOPLE ACCOMPANYING THE CLERGYMEN FLED AS CIVILIAN DRESSED POLICE APPROACHED. SIMILAR APPEARING PERSONS FROM CHILE, SPAIN AND URUGUAY RECENTLY HAD BEEN ARRESTED IN THE SAME AREA AND INVESTIGATIONS HAD PROVED THEM GUILTY OF HAVING COMMITTED CRIMES. THEIR IDENTITY CARDS WERE NOT FROM PERNAMBUCO AND THE PHOTOS ON THEM SHOWED THEM TO BE CLEAN, COMBED AND UNBEARDED. CAPUANO AND ROSEBAUGH DID NOT VOLUNTEER NOR PRESENT PROOF THAT THEY ARE MEMBERS OF THE CLERGY. POLICE ARE HELPING THE POOR IN THESE AREAS TO ARRANGE THEIR IDENTITY PAPERS. THEY ACCEPT POLICE IDENTITY CARDS, ELECTOR CARDS, WORK BOOKS, DRIVERS LICENSES OR MILITARY RESERVIST CARDS.

B. ARBITRARY DETENTION. ANYONE CAN BE DETAINED FOR UP TO 24 HOURS FOR INVESTIGATION. DURING THIS PERIOD THEY MAY RECEIVE VISITORS BUT MAY NOT MAKE PHONE CALLS. THE REASON FOR THIS RESTRICTION IS TO AVOID ALERTING ACCOMPLICES. AFTER 24 HOURS THE PERSON DETAINED MUST BE RELEASED UNLESS A JUDGE HAS ISSUED AN ORDER FOR PREVENTIVE IMPRISONMENT. IN THIS CASE OF ARREST AT SUNDAY NOON, SUNDAY DOESN'T COUNT AND MONDAY IS EXCLUDED BECAUSE THE STATION CHIEF WAS OUT OF TOWN. THE 24 HOUR PERIOD STARTED WITH THE RETURN OF THE STATION CHIEF ON TUESDAY AND WITHIN 24 HOURS THE DETAINED CLERGYMEN WERE RELEASED BECAUSE THERE WAS NO EVIDENCE OF WRONG DOING.
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C. FAILURE TO NOTIFY THE AMERICAN CONSULATE. POLICE STATIONS HAVE STANDING INSTRUCTIONS TO PROHIBIT PERSONS DETAINED DURING THE 24 HOUR INVESTIGATION PERIOD FROM MAKING OUTSIDE CALLS. THIS RESTRICTION WILL REMAIN BUT STATION CHIEFS WILL BE REQUIRED TO INFORM THE STATE SECRETARY OF PUBLIC SECURITY OF DETENTION OF PERSONS CLAIMING TO BE FOREIGN NATIONALS AND THE SECRETARY WILL INFORM THE APPROPRIATE FOREIGN CONSULATE.

D. TREATMENT DURING CONFINEMENT. DIFFERENT LEVELS OF DETENTION FACILITIES ARE SPECIFIED IN BRAZILIAN LAW. THIS PROVIDES PERSONS WITH COLLEGE DEGREES, PROFESSIONALS, ETC. WITH A BETTER DETENTION FACILITY THROUGH THE 24 HOUR INVESTIGATIVE PHASE AND THE PREVENTIVE DETENTION PHASE. AFTER THE CASE HAS BEEN JUDGED ALL PERSONS SERVING A SENTENCE ARE PLACED IN A DETENTION FACILITY WITHOUT REGARD TO SOCIAL STATUS. REGARDING THE DETENTION FACILITY AT ROUBOS E FURTOS WHERE CAPUANO AND ROSEBAUGH WERE HELD, IT IS AT TIMES OVERCROWDED AND HAS SIMPLE ACCOMMODATIONS USED MAINLY FOR

VAGRANTS, UNEMPLOYED AND PETTY THIEVES. WHILE STARK, CONDITIONS ARE NOT VERY DIFFERENT FROM THOSE IN WHICH THE PERSONS BEING HELD FOR INVESTIGATION NORMALLY LIVE. THERE ARE MATTRESSES FOR SOME, BUT NOT ENOUGH (AND OFTEN NOT ENOUGH ROOM) DURING PEAK SEASONS. TURNOVER IS RAPID THERE SO THAT THIS DISCOMFORT IS NOT PROLONGED. METAL PORCELAIN PLATES (BUT NO SILVERWARE) ARE USED FOR MEALS, BUT THERE AREN'T ENOUGH FOR PEAK PERIODS. PRISONERS ARE KEPT IN SHORTS OR NAKED FOR PROTECTION AS PRISONERS ARE OFTEN VIOLENT, CONCEAL WEAPONS OR USE THEIR CLOTHES TO STRANGLE OTHER PRISONERS DURING FIGHTS. THE BATHROOM, CALLED A PRIVADA TURCA, IS INTENTIONALLY SIMPLE BECAUSE PORCELAIN FACILITIES AT THIS TYPE OF DETENTION CENTER FOR THE MORE VIOLENT CRIMINALS ARE BROKEN UP BY INMATES AND OFTEN MADE INTO WEAPONS. FACILITIES AT PENITENTIARIES WHERE PRISONERS SERVE THEIR TERMS AFTER CONVICTIONS ARE MUCH BETTER THAN WHERE CAPUANO AND ROSEBAUGH WERE HELD.

3. PRESS REPORTS. DEBATE IN THE STATE LEGISLATIVE ASSEMBLY
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ALONG PARTY LINES ON THE ACCUSATION OF ARBITRARY ARREST OF THE TWO CLERGYMEN WAS REPORTED ON PAGE 3 OF THE DIARIO DE PERNAMBUCO AND ON PAGE 5 OF THE JORNAL DE COMERCIO. MDB DEPUTY ROBERTO FREIRE CRITICIZED THE STATE GOVERNMENT WHILE ARENA LEADER CARLOS VERA AND DEPUTIES EDMIR REGIS AND MICHAEL CAVALCANTI STRESSED THE ENERGETIC MEASURES TAKEN BY THE GOVERNOR TO INVESTIGATE THE OCCURRENCE. ROBERTO FREIRE, ACCORDING TO THE ARTICLES, CHARGED THAT VIOLENCE AND ARBITRARY ARREST ARE EVERYDAY OCCURRENCES AT THE ROUBOS E FURTOS POLICE STATION AND ARE THE FAULT OF THE ADMINISTRATION OF GOVERNOR MOURA CAVALCANTI. HE DESCRIBED THE INVESTIGATION AS A COVER UP AND IDENTIFIED THE MDB WITH THE FIGHT AGAINST POLICE VIOLENCE AND WITH THE DEFENSE OF THE POOR AND OF HUMAN RIGHTS.

4. O GLOBO (MAY 23 AND 24), O JORNAL DO BRASIL (MAY 24), AND O ESTADO DE SAO PAULO (MAY 23 AND 24) ASKED THE CONSULATE FOR CONFIRMATION THAT THE ARRESTED CLERGYMEN WERE AMERICAN CITIZENS. IN ADDITION TO CONFIRMING THIS, THE CONSUL INFORMED THE PRESS THAT HE HAD BEEN IN CONTACT WITH CAPUANO AND ROSEBAUGH AND THAT HE HAD TAKEN THE MATTER UP WITH THE LOCAL AUTHORITIES. DURING ONE OF THE INTERVIEWS, THE CORRESPONDENT FOR THE ESTADO DE SAO PAULO INFORMED THE CONSUL THAT THE INVESTIGATIVE PANEL, WHILE NAMED BY THE GOVERNOR, HAS NOT YET BEGUN TO LOOK INTO THE CASES OF CAPUANO AND ROSEBAUGH.

5. THE CONSULATE WILL ACCOMPANY THE UPCOMING INVESTIGATION AND WILL REPORT AS APPROPRIATE. A COPY OF THE FINAL REPORT WILL BE MADE AVAILABLE TO THE CONSULATE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Sent Date: 24-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977RECIFE00069
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770185-0572
Format: TEL
From: RECIFE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770523/aaaaauah.tel
Line Count: 168
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 0756d18a-c288-dd11-92da-001cc4696bcc
Office: ACTION SCS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 RECIFE 68, 77 BRASILIA 4145
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27-Jun-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2390349
Secure: OPEN
Status: NATIVE
Subject: W/W--ARRESTS: (CAPUANO, THOMAS AND ROSEBAUGH, LAWRENCE).
TAGS: CASC, PFOR, BR, (CAPUANO, THOMAS), (ROSEBAUGH, LAWRENCE)
To: STATE BRASILIA
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/0756d18a-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009